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D. REMARKS

Interview Summary

On October 12, 2004, 10 AM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Cunningham. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiners discussed claim 1, and in particular a proposal to amend claim 1 to incorporate the limitation of objected to claim 3. The Examiner noted that because of time limitations in filing the Office Action, the Examiner had not yet located, but anticipated to locate prior art that teaches the limitations of objected to dependent claim 3 and objected to dependent claim 9. The Examiner suggested, that of the objected to claims, Applicants should consider incorporating the limitations from objected to dependent claim 5 or 6. Applicants representative clarified that the objections in the Office Action were made responsive to Applicants arguments in an Appeal Brief submitted on June 14, 2004. Applicant agreed to consider incorporating dependent claim 5 or 6 into base claim 1.

No agreement was reached with respect to the claims. Applicant is filing this response for further review by the Examiner.

Allowable Subject Matter

Responsive to a Notice of Appeal filed on June 14, 2004, Applicants received the non-final Office Action communication dated July 12, 2004. According to the non-final Office Action of July 12, 2004, claims 1-27 are pending in the application, but claims 3-6, 9, 13-16, 19, 22-24, and 26 are only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claims 1, 11, and 21 to include the limitations of objected to dependent claims 3 and 13. In addition, Applicants have added claims 28-30 which incorporate the limitations of the base claims 1, 11, and 21 and objected to claims 5, 15, and 23. Further,

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Applicants have added claims 31-33 which incorporate the limitations of base claims 1, 11, and 21 and objected to claims 9, 19, and 26. Applicants respectfully request allowance of the amended and newly added claims, as Applicants have amended the form of these claims to comply with the Examiner's objection as to form, and in reliance on the Examiner's statement that the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Additionally, Applicants note that the Examiner first changed the rejection to an objection, to claims 3, 5, 13, 15, and 23, in the Examiner's third response on the merits to the present application and in direct response to an Appeal Brief filed by Applicants on June 14, 2004.

35 USC § 102(b)

Claims 1, 2, 7, 8, 11, 12, 17, 18, 21, and 25 stand rejected under 35 U.S.C. §102(b) as being disclosed by Cahill III (US Patent Publication 2002/0196366A1, hereafter Cahill) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962).

Claims 1, 11, and 21

Applicants amend independent claim 1 to incorporate all the limitations of objected to dependent claim 3.

Claim 1 currently reads:

1. **(Currently Amended)**A method for displaying resource aids in a display area, said method comprising the steps of:

displaying a user interface comprising at least one displayable object within a display area; and

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responsive to an initiating event, wherein said initiating event is a position of a cursor over a sensitive region of said displayable object, placing a transparent resource aid within said display area in association with said at least one displayable object, such that said at least one displayable object is not obscured by said transparent resource aid.

Cahill does not describe positioning a cursor over a sensitive region of a displayable object or using the position of a cursor over a sensitive region of a displayable object as an initiating event to the placement of a transparent resource aid within the display area in association with the displayable object. Thus, Cahill does not teach each and every element of amended claim 1, and therefore Applicants respectfully request allowance of amended claim 1.

In addition, as an amended independent claim incorporating an objected to dependent claim, Applicants request allowance of claim 1. Further, Applicants amend independent claim 11 to incorporate all the limitations of objected to dependent system claim 11, which mirrors objected to dependent method claim 3. Further, Applicants amend independent claim 21 to incorporate the limitation of objected to dependent claims 3 and 13. Therefore, Applicants also request allowance of amended claims 11 and 21.

Claims 2, 7, 8, 12, 17, 18, and 25

Claims 2, 7, 8, 12, 17, 18, and 25 stand rejected as dependent method, system, and program claims of independent method, system, and program claims 1, 11, and 21. Applicants respectfully propose that because claims 1, 11, and 21 are amended towards allowance, dependent claims 2, 7, 8, 12, 17, 18, and 25 should also be allowed as dependent claims upon an allowable independent claims.

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35 USC § 103(a)


Claims 10, 20, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cahill, as applied to claims 1, 11, and 21 and further in view of Bagnas (US Patent Number 5,805,163). Applicants first note the above proposition that amended claims 1, 11 and 21 are not taught by Cahill and now include the limitations of an objected to dependent claim, and therefore as dependent claims of allowable subject matter, claims 10, 20, and 27 should also be allowed.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

 on 10/12/2004

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